

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	§	
	§	
THERMA-FLITE, INC.	§	Case No. 16-33469
THERMA-FLITE MANUFACTURING, LLC	§	Case No. 16-33470
THERMA-FLITE TX, INC.	§	Case No. 16-33471
THERMA-FLITE INDUSTRIAL, INC.	§	Case No. 16-33473
THERMA-FLITE HOLDINGS, INC.	§	Case No. 16-33474
	§	
Debtors.	§	
	§	(Chapter 7 Cases)

**CFC INC.'S RESPONSE IN SUPPORT OF TRUSTEE'S
EMERGENCY MOTION FOR CONTINUANCE**

TO THE HONORABLE DAVID R. JUDGE, CHIEF U.S BANKRUPTCY JUDGE:

COMES NOW CFC, Inc. ("CFC"), a secured creditor of debtors Therma-Flite, Inc. ("T-F Inc."), Therma-Flite Manufacturing, LLC ("T-F Manufacturing"), and their affiliated debtors, and hereby files this *Response in Support* (the "Response") to the *Trustee's Emergency Motion for Continuance* (the "Motion to Continue") filed by Janet S. Northrup, chapter 7 trustee (the "Trustee") of the bankruptcy estate of T-F Inc., respectfully stating as follows:

1. On July 8, 2016, (the "Petition Date"), the T-F Inc. and its affiliated debtors (together with the Debtor, the "Debtors") filed their respective voluntary petitions for Chapter 7 relief in accordance with title 11 of the United States Code, 11 U.S.C. §§ 101, et seq., (the "Bankruptcy Code").

2. On October 21, 2016, CFC filed its *Motion for Substantive Consolidation* [Docket No. 75] in each case. On November 14, 2016, Eva Engelhart, Chapter 7 Trustee ("Eva Engelhart") filed her *Response to CFC, Inc.'s Motion for Substantive Consolidation* [Docket No. 77]. On January 6, 2017, the Court entered that certain *Order Granting CFC, Inc.'s Motion for*

Substantive Consolidation [Docket No. 97], consolidating the above-named cases into Therma-Flite, Inc. Case No. 16-33469.

3. On January 20, 2017, Eva Engelhart filed her *Motion to Reconsider and Vacate Order of Substantive Consolidation* [Docket No. 85 in Case No. 16-33470]. On January 27, 2017, the Court entered that certain *Order Vacating Order Granting Motion for Substantive Consolidation* [Docket No. 86] (the “Vacating Order”). Within the Vacating Order, the Court incorrectly describes the Motion for Substantive Consolidation as the Trustee’s motion, when the Motion for Substantive Consolidation was filed by CFC. In addition, the Vacating Order set a hearing on the Motion for Substantive Consolidation for February 3, 2017, one week from the day the Vacating Order was entered.

4. CFC asserts that one week does not provide it with sufficient time to conduct formal discovery to present at the hearing on the Motion for Substantive Consolidation, nor does one week provide a sufficient notice period to subpoena witnesses to appear at the hearing. Once Eva Engelhart contested the Motion for Substantive Consolidation, CFC was entitled to conduct formal discovery under Rule 9014 of the Federal Rules of Bankruptcy Procedure. However, when the Court entered the Order Granting the Motion for Substantive Consolidation, CFC did not conduct formal discovery because it did not appear to be needed where the Bankruptcy Cases were substantively consolidated. For example it would have been impossible for CFC to subpoena any witness when there was never a hearing date set.

5. For the reasons noted above CFC files this Response and requests that the hearing on CFC’s Motion for Substantive Consolidation be rescheduled at the Court’s convenience for a date on or after Friday, March 3, 2017, so as to allow CFC sufficient time to conduct formal discovery and to subpoena witnesses to appear at the hearing.

WHEREFORE, PREMISES CONSIDERED, CFC respectfully requests that the Court reschedule the hearing on CFC Motion for Substantive Consolidation at the Court's Convenience for a date on or after Friday, March 3, 2017.

RESPECTFULLY SUBMITTED, on this 30th day of January 2017,

GLAST, PHILLIPS & MURRAY, P.C.

By: /s/ Jonathan L. Howell
Jonathan L. Howell, PLLC
Texas Bar No. 24053668
jhowell@gpm-law.com

14801 Quorum Drive, Suite 500
Dallas, Texas 75254
Telephone: (972) 419-8300
Facsimile: (972) 419-8329

ATTORNEYS FOR CFC, INC.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that, on the 30th day of November 2016, he caused a copy of the foregoing response to be served on each party receiving electronic notice through the Court's CM/ECF system.

By: /s/ Jonathan L. Howell
Jonathan L. Howell, PLLC